

JS 44 (Rev. 10/20)

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

**NEGIN KHOLUSI, MILANIA FEQUIERE, MIAVA FEQUIERE**

(b) County of Residence of First Listed Plaintiff Henry County, GA  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

**SALVATORE P.J. VITO, ESQUIRE**  
**45 NORTH 7TH STREET**  
**STROUDSBURG PA 18360**

**DEFENDANTS**

**THERMO FISHER SCIENTIFIC, INC. et al.**

County of Residence of First Listed Defendant  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                                   | DEF                        |   | PTF                        | DEF                                   |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1            | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4            |
| Citizen of Another State                | <input checked="" type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3            | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6            |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input checked="" type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

**V. ORIGIN** (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
28 U.S.C. Section 1332

Brief description of cause:  
Defamation, Emotional distress, Negligent supervision

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

**DEMAND \$**  
\$100,000

CHECK YES only if demanded in complaint:  
**JURY DEMAND:** ☒ Yes ☐ No

**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE 11-1-22 SIGNATURE OF ATTORNEY OF RECORD 

**FOR OFFICE USE ONLY**

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_

**LAW OFFICE OF SALVATORE P.J. VITO, P.C.**

Salvatore P.J. Vito, Esquire

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Attorney for Plaintiffs

**UNITED STATES DISTRICT COURT FOR  
THE EASTERN DISTRICT OF PENNSYLVANIA**

NEGIN KHOLUSI and her daughters,

MILANIA FEQUIERE and

MIAVA FEQUIERE, (minors)

Plaintiffs, : No.

v. :

: Judge: \_\_\_\_\_

THERMO FISHER SCIENTIFIC, INC., and/or

THERMO FISHER SCIENTIFIC, INC. d/b/a

FISHER CLINICAL SERVICES and/or;

PHARMA SERVICES GROUP, and

VICTORIA R. REGAN,

Defendants. :

**COMPLAINT**

AND NOW come the Plaintiffs, by and through counsel, Salvatore P.J. Vito, Esq., and file this Complaint against the Defendants above-named as follows:

**PARTIES**

1. Plaintiff, Negin Kholusi is a competent adult individual residing in the state of Georgia with her minor daughters, Plaintiffs Milania Fequiere and Miava Fequiere.
2. Defendants, Thermo Fisher Scientific, Inc. and/or Thermo Fisher Scientific, Inc. d/b/a , Fisher Clinical Services and/or Pharma Services Group, is a Delaware business corporation with a principal place of business in Massachusetts.
3. Defendant, Victoria R. Regan, is a competent adult individual who is an agent and/or employee of Thermo Fisher Scientific, Inc. and/or its affiliates or subsidiaries above-named. Said Defendant holds a supervisory position of Senior Program Manager, Digital Supply Chain Solutions-Pharma Services Group and resides/is employed in Lehigh County, Pennsylvania.

## JURISDICTION

4. Jurisdiction is founded on diversity of citizenship and amount: Plaintiffs are citizens of the State of Georgia and all Defendants exist under the laws of the State of Delaware and have a principal place of business in the Commonwealth of Massachusetts. None of the Defendants exist under the laws of the State of Georgia or maintain a principal place of business in the State of Georgia. The matter in controversy exceeds, exclusive of interest and costs, the sum specified by 28 U.S.C. §1332.

## FACTS

5. Plaintiff, Negin Kholusi, and her children, were first verbally attacked by Defendant Victoria R. Regan on November 4, 2021, via defamatory comments on the internet. Thereafter, a pattern of abuse continued with multiple verbal attacks upon Plaintiff Negin Kholusi and her children concerning their character and reputation in their community.

6. Plaintiff conducted the aforesaid attacks during the scope of her employment with corporate Defendants, while acting in the capacity of a supervisor and/or upper management, and while utilizing the mobile phone(s) and computer(s) provided to her by her employer.

## FIRST CAUSE OF ACTION - DEFAMATION

7. The foregoing allegations are incorporated herein by reference as fully as if set forth herein at length.

8. Defendant, Victoria R. Regan, an agent/employee of corporate Defendants, communicated and published statements of a defamatory character which were applicable to Plaintiff Negin Kholusi and her minor children, the recipient understood the defamatory meaning of the communications applicable to Plaintiffs, Plaintiffs were specially harmed by the publication, and Defendant abused a conditional privilege.

9. Defendant, Victoria R. Regan, an agent/employee of corporate Defendants, knew or should have known that said defamatory statements were false.

10. Corporate Defendants are vicariously liable for the actions of its agent/employee,

## SECOND CAUSE OF ACTION – INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

11. The foregoing allegations are incorporated herein by reference as fully as if set forth herein at length.

12. Since the wrongful incidents above-described, Plaintiffs have suffered emotional distress.

13. Plaintiffs have suffered emotional distress as a direct result of Defendants' intentional

conduct.

THIRD CAUSE OF ACTION - NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

14. The foregoing allegations are incorporated herein by reference as fully as if set forth herein at length.

15. Since the wrongful incidents above-described, Plaintiffs have suffered emotional distress.

16. Plaintiffs have suffered emotional distress as a direct result of Defendants' careless and negligent conduct.

FOURTH CAUSE OF ACTION – FALSE LIGHT

17. The foregoing allegations are incorporated herein by reference as fully as if set forth herein at length.

18. Plaintiffs, at the times herein and since birth, have been persons of good name and reputation and were deservedly enjoying the esteem and good opinion of diverse persons in their vocational and social pursuits.

19. Defendants, individually and/or by and through their agent/employee, intentionally, falsely and maliciously made unprivileged accusatory statements of and concerning Plaintiffs. The statements of Defendants are wholly false and apply to Plaintiffs.

20. Defendants, by their conduct expressly or by innuendo, published false conclusions regarding Plaintiffs.

21. At the time of publication, Defendants knew or should have known that the implications regarding Plaintiffs were untrue.

22. As a result of Defendants' false light, Plaintiffs have been greatly upset, humiliated and injured in good name and reputation, all of which has been to great loss and damage.

FIFTH CAUSE OF ACTION – NEGLIGENT SUPERVISION

**Plaintiffs v. Corporate Defendants**

23. The foregoing allegations are incorporated herein by reference as fully as if set forth herein at length.

24. Defendants' carelessness, negligence, recklessness, and/or unlawfulness consisted of, but was not limited to the following:

- a. Defendants hired, employed and promoted the various agents, servants, workmen, and/or employees who had the responsibility or obligation to properly execute their duties, to wit, Victoria R. Regan;

- b. Defendants permitted the various agents, servants, workmen and/or employees who had the responsibility to properly execute their duties to continue to work as such, when said corporate Defendants knew and/or should have known that said agents, servants, workmen and/or employees were unable to and/or incapable of properly performing the requirements of their respective employments, to wit, Victoria R. Regan;
- c. Defendants failed to establish procedures and programs to determine whether employees and/or potential employees were and are fit and capable of performing the requirements of their respective employment, to wit, Victoria R. Regan;
- d. Defendants were otherwise negligent, careless, reckless and/or unlawful under the circumstances in the hiring, employing, training, supervision, and/or promoting the various agents, servants, workmen and/or employees who were responsible and obligated to properly execute their duties, to wit, Victoria R. Regan; and
- e. Defendants failed to adopt, promulgate and enforce policies and procedures to effectuate the observation and supervision of their agents/employees, to wit, Victoria R. Regan.

#### DAMAGES

26. As a direct and proximate result of the foregoing, Plaintiffs suffered damages including, but not limited to, damage to character and reputation, embarrassment, humiliation, harassment, emotional distress, and loss of income.

27. Corporate Defendants are directly liable for negligence and vicariously liable for the actions of its agent/employee, Defendant, Victoria R. Regan.

WHEREFORE, Plaintiffs claim compensatory damages from all Defendants in an amount in excess of \$100,000.00 plus punitive damages, costs, reasonable attorney fees and such other relief as the court deems just and proper.

#### JURY DEMAND

Plaintiff demands a trial by jury.

Respectfully submitted,

LAW OFFICE OF SALVATORE P.J. VITO, P.C.

/s/ SALVATORE P.J. VITO, ESQUIRE

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